

TESLA, INC.
Aaron Langberg (SBN 284975)
31353 Huntwood Avenue
Hayward, CA 94544
Telephone: (510) 828-8959
alangberg@tesla.com

FROST BROWN TODD LLP
Aaron M. Bernay, *pro hac vice*
Ryan W. Goellner, *pro hac vice*
3300 Great American Tower
301 East Fourth Street
Cincinnati, Ohio 45202
Tel: (513) 651-6800
Fax: (513) 651-6981
abernay@fbtlaw.com
rgoellner@fbtlaw.com

*Attorneys for Defendant
Tesla, Inc.*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SASA MASLIC, et al.,

Case No. 5:21-cv-02556-BLF-SVK

Plaintiffs,

VS.

ISM VUZEM D.O.O., et al.,

Defendants.

**DEFENDANT TESLA, INC.'S
OPPOSITION TO PLAINTIFF'S
ADMINISTRATIVE MOTION TO FILE
TRANSLATIONS (DKT. NO. 143)**

Judge: Hon. Beth Labson Freeman

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 Plaintiff Sasa Maslic's Administrative Motion to File Translated Copies of Exhibits (Dkt.
 3 No. 143) should be denied because the translations are unreliable.

4 Courts require certified translations when evaluating foreign language documents. *Heredia*
 5 *v. Americare, Inc.*, 17 Civ. 06219 (RWL), 2020 WL 3961618, at *5 (S.D.N.Y. July 13, 2020) ("It
 6 is a 'well-established rule that a document in a foreign language is generally inadmissible unless
 7 accompanied by a certified English translation.'") Federal Rule of Evidence 604 states that "[a]n
 8 interpreter must be qualified and must give an oath or affirmation to make a true translation."
 9 Accordingly, courts have found that Google Translate is an unreliable method for presenting
 10 evidence and have repeatedly rendered machine translations inadmissible. *Novelty Textile, Inc. v.*
 11 *Windsor Fashions, Inc.*, No. CV 12-05602 DDP (MANx), 2013 WL 1164065 at *3 (C.D. Cal.
 12 Mar. 20, 2013) ("a translation by Google Translate is not sufficiently reliable to make it
 13 admissible"); *D.O.N.C. v. BPH Michigan Grp., LLC*, No. 20-11265, 2021 WL 5103918, at *1
 14 (E.D. Mich. Sept. 20, 2021) (rejecting translation of French contract done in Google Translate);
 15 *Ambe v. Air France, S.A.*, No. 2:17-CV-08719 DDP-E, 2021 WL 3511036, at *5 (C.D. Cal. Aug.
 16 10, 2021) (rejecting expert conclusions that relied on Google Translate); *United States v. Ramirez-*
 17 *Mendoza*, 4:20-CR-00107, 2021 WL 4502266 at *15 (M.D. Pa. Oct. 1, 2021).

18 The translations attached to Plaintiff's motion are not certified. Plaintiff does not
 19 specifically identify the source of each translation, except to generally note that some were done
 20 by Google Translate, some by his counsel's wife, and some by his son's fiancée. Plaintiff's
 21 counsel confirmed at oral argument on May 23, 2024 that none of these individuals are certified
 22 translators or interpreters. Accordingly, because the translations are not certified and unreliable
 23 under FRE 604, and for the reasons articulated by the Court at oral argument on May 23, the Court
 24 must deny Plaintiff's Administrative Motion.

1 Dated: May 28, 2024

Respectfully submitted,

2 By: /s/ Aaron M. Bernay

3 TESLA, INC.

4 Aaron Langberg (SBN 284975)
31353 Huntwood Avenue
5 Hayward, CA 94544
6 Telephone: (510) 828-8959
alangberg@tesla.com

7 Aaron M. Bernay, *pro hac vice*
8 Ryan W. Goellner, *pro hac vice*
9 FROST BROWN TODD LLP
3300 Great American Tower
10 301 East Fourth Street
Cincinnati, Ohio 45202
11 Tel: (513) 651-6800
Fax: (513) 651-6981
12 abernay@fbtlaw.com
rgoellner@fbtlaw.com

13 *Attorneys for Defendant Tesla, Inc.*

14
15 0155814.0780232 4889-1924-8578v1